

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LAS VIRGENES MUNICIPAL WATER, a
Municipal Water District,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON,

Defendant.

Case 02-04-030
(Filed April 19, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUIRING THAT PARTIES MEET AND CONFER
AND SCHEDULING PREHEARING CONFERENCE
FOR JULY 26, 2002, 10:00 a.m.
IN LOS ANGELES, CALIFORNIA¹**

On April 19, 2002, Las Virgines Municipal Water District (District) filed the above-captioned Complaint against Southern California Edison Company (Edison) alleging that Edison seeks to assess an excess energy charge for District's failure to interrupt service on August 1, 2000, upon notification from Edison. District and Edison are parties to an Agreement for Interruptible Service (Agreement) dated June 13, 1988. Pursuant to the terms of this contract, Edison

¹ The Prehearing Conference (PHC) is being set in Los Angeles to accommodate the parties and witnesses. However, budgetary constraints in the new fiscal year, beginning July 1, 2002, may necessitate moving the PHC to the San Francisco hearing room located at 505 Van Ness Avenue.

is to provide interruptible service to District, and when Edison sends District a notification signal, district is to initiate a drop in electrical service. Notification is by way of a Remote Terminal Unit (RTU) that is at the district facility, but is the property of, and is maintained by, Edison.

In summary, District is alleging that Edison claims it notified District by way of the RTU on August 1, 2000, to interrupt service, and when District did not reduce its demand on the electric system, Edison billed District for an excess energy charge in the amount of \$76,277.89. District claims it never received notice on August 1, 2000, that it was to reduce its demand because when the RTU unit receives a signal, the power shuts down automatically. If the District did not shut down on August 1, 2000, it was because the District did not receive a signal. District opines that Edison must have failed to maintain and repair the RTU on the date in question, which constitutes a breach of their Agreement.

Edison has been notified that this complaint was filed against it, but Edison's answer is not yet due. This notice of a PHC is being served on the parties at this early date to give them adequate notice of the hearing and an opportunity to meet and confer.

The proceeding has been categorized as adjudicatory, requiring hearings. A proposed schedule for the evidentiary hearings will be established at the PHC.

Meet and Confer

Pursuant to Rule 49, I direct the parties to meet and confer.² Consistent with Rule 49, parties should discuss the particulars set forth below and prepare

² The parties may meet telephonically if it is more convenient for them than an in-person meeting.

and file a joint case management statement (JCMS), or a proposed settlement agreement, within 10 days of such a meeting, but no later than close of business on July 19, 2002.

In particular, the parties should use this opportunity to see if they can reach agreement on the following: (1) whether the Contract for Interruptible Service dated June 13, 1988, is the operative contract setting forth the rights, duties, and obligations of District and Edison vis-à-vis interruptible service; (2) did Edison install Edison-owned notification equipment at the District; (3) did Edison maintain and repair the automatic notification equipment so that it was fully operational on August 1, 2000; (4) how does Edison determine if the automatic notification equipment is operational; (5) how often does Edison check to see if the automatic notification equipment is operational; (6) did District ever restrict Edison's access to maintain and repair the automatic notification equipment at the District; (7) does Edison have any proof that it notified District on August 1, 2000, that District was to interrupt its service; (8) when Edison notified District to interrupt its service, and there was no service interruption, did Edison contact District to determine why there had been no compliance; (9) can District produce any logs that would reflect whether or not there is a record of bypassing the notification signal for August 1, 2000; and (10) does Edison have any maintenance or repair records that would verify that the RTU unit was operational on August 1, 2000.

If the answer Edison files raises any other issues, or affirmative defenses, the parties should also address those concerns during the meet and confer.

In addition to the above requirements, the parties should use the meet and confer to identify any additional issues to be considered and to determine whether the issues can be narrowed or amended. If the parties cannot reach a

settlement, they should fulfill the requirements of Rule 49, and draft the JCMS as a PHC statement. The JCMS should also include a proposed schedule for evidentiary hearings and the service of prepared testimony. The parties are reminded that pursuant to Pub. Util Code § 1701.2(d) an adjudicatory case must be resolved within 12 months of initiation. Therefore, the parties are urged to initiate discovery, if discovery is necessary in this case, as soon as Edison's answer is served.

Prehearing Conference

A PHC is scheduled for 10:00 a.m., on July 26, 2002, at the Commission Courtroom, State Office Building, 320 West 4th Street, Conference Room 5A, Los Angeles, California.

Conference Call

If the parties have any interlocutory issues, for example scheduling problems or discovery disputes, that need resolution during the course of the proceeding, please call ((415) 703-2971) or e-mail (CAB@CPUC.ca.gov) the assigned Administrative Law Judge (ALJ) Carol Brown and a conference call will be scheduled.

Service

It is Commission practice that all appearances must serve all parties and state service participants on the service list. Rule 2.3(b) provides that the ALJ may direct that service be made by electronic means. I will require all appearances that can provide the Commission with an electronic mail address to serve documents in this proceeding by electronic mail, and in turn, to accept service by electronic mail. Service by electronic mail will be used in lieu of paper mail where an electronic address has been provided. Any appearance, or state

service participant, who has not provided an electronic mail address shall serve and take service by paper mail. Service by mail is described in Rule 2.3(a).

This ruling does not change the rules regarding the tendering of documents for filing. Documents for filing must be tendered in paper form, as described in Rule 2, et seq. Service on the Commission, including the assigned ALJ and Commissioner, may be by electronic mail. My e-mail address is CAB@CPUC.ca.gov.

Electronic Service Protocols

A sender may serve a document by electronic mail by attaching the document to a note. The subject of the note accompanying the document should include the proceeding number and identify the party sending the document. Within the note, the word processing program used for the document should be noted. If the electronic mail is returned to the sender, or the recipient indicates to the sender that it cannot open the document, the sender shall immediately serve that party by paper mail. Documents saved and sent in Microsoft Word 6.0 are readily opened by most recipients.

Accessing Up-to-Date Electronic Mail Addresses

The current service lists for active proceedings are available on the Commission's web page, www.cpuc.ca.gov. Choose "Service Lists" on the "Quick Links" bar. The service list for this proceeding can be located in the "Index of Service Lists" by scrolling to the application number. To view and copy the electronic addresses for a service list, download the comma-delimited file, and copy the column containing the electronic addresses. The Commission's Process Office periodically updates service lists to correct errors or to make changes at the request of parties and non-parties on the list. Appearances should

copy the current service list from the web page (or obtain paper copy from the Process Office) before serving a document.

Therefore, **IT IS RULED** that:

1. Parties shall meet and confer informally and shall file a joint case management statement, or proposed settlement agreement, within 10 days of such a meeting, but no later than the close of business on July 19, 2002.
2. A prehearing conference (PHC) in this proceeding will be held at 10:00 a.m., on July 26, 2002, at the Commission Courtroom, State Office Building, 320 West 4th Street, Conference Room 5A, Los Angeles, California.
3. All appearances that have provided the Commission with an electronic mail address shall serve documents in this proceeding by electronic mail, and in turn, shall accept service by electronic mail. Service by electronic mail will be used in lieu of paper mail where an electronic address has been provided. The electronic service protocols described in this ruling shall be observed.
4. Any appearance that has not provided an electronic mail address shall serve and take service by paper mail.

Dated May 13, 2002, at San Francisco, California.

/s/ CAROL A. BROWN

Carol A. Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring that Parties Meet and Confer and Scheduling Prehearing Conference for July 26, 2002, 10:00 A.M. in Los Angeles, California on all parties of record in this proceeding or their attorneys of record.

Dated May 13, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.